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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1508 of 2005

Between:

M.H. Valmiki, S/o. M.P. Valmiki,
National Bank for Agricultural and Rural Development, Regional Officer, Andhra Pradesh, Hyderabad.

... PETITIONER

AND

Chief General Manager, National Bank for Agricultural and Rural Development, Regional Officer, Andhra Pradesh, Hyderabad.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent in issuing the suspension order vide Office Order No. 71/2004 -2005 dt. 22nd January, 2005 as illegal, arbitrary and liable to be set and consequently direct the Respondent to reinstate the Petitioner forthwith with all consequential benefits.

Counsel for the Petitioner: MRS.V.NAGARAJA RAO

Counsel for the Respondent: MR.K.SRINIVASAMURTHY

The Court made the following:

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ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondent in issuing the suspension order vide Office Order No.71/2004-05 dated 22nd January, 2005 as illegal and arbitrary.

The petitioner was placed under suspension by impugned proceedings dated 22-01-2005. The only contention raised by the learned counsel for the petitioner is that the suspension order does not contain any reasons that need to be recorded by the administrative authorities; therefore the order under challenge suffers from serious legal infirmities. In support of his contention, he placed reliance on the judgments reported in **S.N. Mukherjee v. Union of India AND Mir Sabir Ali v. Commissioner of Police.**

On the other hand, learned Standing Counsel for the respondent contended that entire material has been placed before the Chief General Manager, National Bank for Agriculture and Rural Development, and after perusal of the material, orders have been passed. The original file was also brought to the notice of this Court.

As seen from the original file, the entire material was placed before the Chief General Manager. No doubt, the order does not indicate any reasons, but in terms of Rule 47(5) of National Bank of Agricultural and Rural Development (Staff) Rules 1982, the petitioner was placed under suspension. Normally, this Court will not interfere with the orders of suspension, unless the same is issued by the authority that has no jurisdiction at all. The competitive jurisdiction of the Chief General Manager to place the petitioner under suspension is not under challenge. The only thing is that the order does not indicate any reasons. It is only suspension pending enquiry, which need not contain any reasons. It is contended that entire material is placed before the authority that passed this order. Therefore the decisions relied upon by the learned counsel for the petitioner has no application to the present facts and circumstances of the case. Therefore the order impugned does not suffer from any incurable legal infirmities warranting interference by this Court under Article 226 of the Constitution of India.

Hence, the writ petition is dismissed. However, the respondents are directed

to complete the enquiry within a period of two months from the date of receipt of a copy of this order. No order as to costs.

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K.C. BHANU, J

Dated: 14-02-2005

LSK/PRV

NOTE: Furnish C.C. in two days.

ASSISTANT REGISTRAR

//**TRUE COPY**//

SECTION OFFICER.

To

1. Chief General Manager, National Bank for Agricultural and Rural Development, Regional Officer, Andhra Pradesh, Hyderabad.

2. Two C.D. copies.